

PEPPER & CORAZZINI

ATTORNEYS AT LAW
200 MONTGOMERY BUILDING
1776 K STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 296-0600

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
WILLIAM J. FRANKLIN
JOHN F. GARZIGLIA
TODD J. PARIOTT
NEAL J. FRIEDMAN
ELLEN S. MANDELL
HOWARD J. BARR
LOUISE CYBULSKI *
JENNIFER L. RICHTER *
* NOT ADMITTED IN D.C.

ROBERT LEWIS THOMPSON
GREGG P. SKALL
E. THEODORE MALLYCK
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MAR 26 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 26, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, DC 20554

Re: MM Docket No. 92-254

Dear Ms. Searcy:

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 26 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Petition for Declaratory Ruling)
Concerning Section 312(a)(7))
of the Communications Act)

MM DOCKET NO. 92-254

TO: The Commission

REQUEST TO REOPEN THE RECORD

Gillett Communications of Atlanta, Inc. ("Gillett"), licensee of WAGA-TV, Atlanta, Georgia^{1/}, hereby requests leave to reopen the record of the above-captioned proceeding for the express purpose of bringing to the Commission's attention a further development since the close of the record on February 23, 1993.

A special election is scheduled in Texas for May 1, 1993 to fill the Senate seat of former Sen. Lloyd Bentsen, now Secretary of the Treasury. Among the candidates is Stephen Hopkins who has invoked Section 312(a)(7) of the Communications Act of 1934, as amended, to force television stations in Odessa and Midland, Texas to air graphic abortion spots.

Attached as Exhibits 1 and 2 are copies of articles from the March 21, 1993 editions of the Midland Reporter-Telegram and the Odessa American documenting the community outrage that followed the airing of Hopkins' political advertisement. One station, KTPX-TV, Midland, received six bomb threats following broadcast of the

^{1/} On February 19, 1993 an application for assignment of license from Gillett Communications of Atlanta, Inc. to WAGA License, Inc. (FCC File Nos. BALCT-930219KI & BALCT-930219KR) was filed with the Commission.

graphic abortion advertisement The station logged more than 2,000 telephone calls protesting the broadcast.

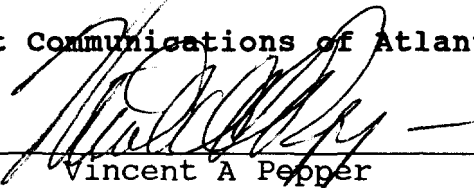
Gillett recognizes that the comment period in this proceeding expired more than a month ago; however, it believes the enclosed information will be of assistance to the Commission in formulating its decision in this matter. In order to avoid prejudice to any party, Gillett is serving all commenters.

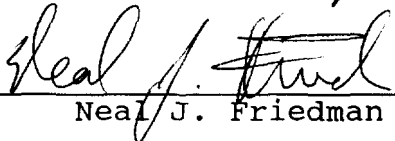
For the forgoing reasons, Gillett Communications of Atlanta, Inc. respectfully requests that the Commission reopen the record of the instant docket for receipt of the attached materials.

Respectfully Submitted,

Gillett Communications of Atlanta, Inc.

By


Vincent A. Pepper


Neal J. Friedman

Its Attorneys

PEPPER & CORAZZINI
200 Montgomery Building
1776 K Street, N.W.
Washington, D.C. 20006
(202) 296-0600

March 26, 1993

EXHIBIT 1

MIDLAND REPORTER-TELEGRAM -- MARCH 21, 1993

KTPX gets bomb threats because of campaign ad

■ Station can't pull commercial that shows fetuses.

By Michael Kashgarian

Staff writer

Several bomb threats and thousands of critical calls were made to a local television station after a political advertisement that showed aborted fetuses was aired Tuesday.

KTPX-TV, the Permian Basin NBC affiliate broadcasting on Channel 9, aired the controversial commercials, preceded by a disclaimer, for the candidacy of Stephen Hopkins, a Republican running for the U.S. Senate.

"It's very disturbing . . . It's sad

EXHIBIT 2

ODESSA AMERICAN -- MARCH 21, 1993

Ads

to air the commercials Tuesday morning, was perhaps the hardest

use of similarly graphic advertisements by pro-life political candidates.

FCC regulations mandate that TV stations must offer federal of-

"As horrible as it is to look at, that's the reality. The whole issue of abortion is the killing of children," she said. "Maybe if people become really and truly educated on

Channel 9 began airing the commercials at 5 a.m. Tuesday. Although the first segment did not include a warning regarding the ad's graphic nature, a disclaimer

fensive replacement. Hopkins was unable to comply and the station was forced to relent later that afternoon, airing the commercial with a 10-second disclaimer. KMD Chan

CERTIFICATE OF SERVICE

I, Susan A. Burk, a secretary with the law firm of Pepper & Corazzini, hereby certify that a true and correct copy of the foregoing Document As Recd on the Record was served by U.S. mail

Robert B. Jacobi, Esq.
Joel H. Levy, Esq.
Michelle M. Shanahan, Esq.
Cohn and Marks
1333 New Hampshire Ave., N.W., #600
Washington, DC 20036
(Counsel to Louisiana Television
Broadcasting Corp.)

A. Wray Fitch III, Esq.
Michael J. Woodruff, Esq.
Gammon & Grange
8280 Greensboro Dr., 7th Flr.
McLean, VA 22102-3807
(Counsel to Daniel Becker)

Marcia Cranberg, Esq.
Paul Flack, Esq.
Carla J. Foran, Esq.
Arnold & Porter
1200 New Hampshire Ave.
Washington, DC 20036
(Counsel to Planned Parenthood Federation
of America)

Robert J. Rini, Esq.
Rini & Coran
1350 Connecticut Ave., N.W., #900
Washington, DC 20036
(Counsel to Spokane Television, Inc.)

Irving Gastfreund, Esq.
Kaye, Scholer, Fierman, Hays & Handler
901 15th Street, N.W., #1100
Washington, DC 20005

Bruce D. Sokler, Esq.
Gregory A. Lewis, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo
701 Pennsylvania Ave., N.W., #900
Washington, DC 20004-2608
(Counsel to Turner Broadcasting System, Inc.)

Steven A. Bookshester, Esq.
National Association of Broadcasters
1771 N Street, N.W.
Washington, DC 20036

Timothy Dyk, Esq.
Barbara McDowell, Esq.
Jones, Day, Reavis & Pogue
1450 G Street, N.W.
Washington, DC 20005
(Counsel to Joint Petitioners)


Susan A. Burk

* (VIA HAND DELIVERY)